

REMARKS

The Office Action (OA) mailed November 19, 2008 has been received and its contents carefully noted. From the Summary page, claims 4 and 8 were pending and indicated as rejected. The Drawings filed April 24, 2006 have been accepted. Acknowledgment has been made of Applicants' Claim for Foreign Priority.

By this Response, Applicants respectfully request reconsideration of claims 4 and 8 as previously presented in the response filed October 21, 2008.

Claim Rejections 35 U.S.C. § 103(a)

I. Claim 4 stands rejected as being unpatentable over Okase (US 5,329,095) in view of Shimazu et al. (US 6,283,175) in view of Takayasu et al. (JP 2003-257958) in view of Kenichi (JP 07-029841). The rejection as to claim 4 is respectfully traversed.

The Office Action admits that Okase, Shimazu '175 and Takayasu do not disclose or suggest (i) a second flange provided at an outside periphery of the inner lid part, the second flange is located lower than the upper-end surface of the inner lid part, (ii) a flange holder is provided between the first flange and the second flange, and (iii) a channel for vacuuming is formed by: an inner surface of the flange holder, a lower surface of the first flange, an upper surface of the second flange, an outer surface of the inner lid part from the second flange to the upper-end surface, and an outer surface of the opening part from the lower-end surface to the first flange. The Office Action relies on Kenichi's alleged second flange (not labeled, Fig. 5), flange holder, channel and a lid 26 connected to a vacuum pump, respectively, to purport that it would have been *prima facie* obvious to one of ordinary skill in the art to provide a "different", "an alternate and equivalent arrangement of flanges" and to "draw any leakage" in the apparatus of modified Okase; (See Page 5 of OA).

Applicants respectfully assert that Kenichi fails to teach or suggest a second flange in Fig 5, as recited, and thus, the combination of Claim 4 would not have been *prima facie* obvious to one having ordinary skill in the art. First, the Office Action on Page 4 states that the second flange in Kenichi is not labeled in FIG. 5 and that it is "located lower than the upper end surface (not labeled) of the inner lid part 26"; (Applicants' emphasis added). An objective study of Kenichi FIG. 5 illustrates only one (1) lid 26 comprising a single material, and thus, fails to suggest an inner lid part made of quartz and an outer lid part made of metal. Further, because the second flange is not labeled in Kenichi FIG. 5 and the Japanese Abstract does not describe a

second flange or an inner lid part, Kenichi fails to disclose “*a second flange is provided at an outside periphery of the inner lid part*” as recited. Accordingly, claim 4 patentably distinguishes thereover.

Second, Applicants assert that flange attachment 54, per FIG. 2 of Kenichi, is disposed above the first flange 34A and the lid part 26. However, it is clear that the flange attachment 54 (Kenichi Fig. 2) is disposed above the first flange 34A and the lid part 26, and not between the first flange 34A and the lid part 26; (Applicants’ emphasis added). Thus, Kenichi fails to disclose “*a flange holder is provided between the first flange and the second flange*”. As such, claim 4 further patentably distinguishes thereover.

Further, the Office Action states that FIG. 5 of Kenichi discloses an annular groove 102 formed between the first flange 34A and the second flange of the lid 26 connected to a vacuum pump 108. An objective study of FIG. 5 discloses a groove 102 formed in the lid 26. Another groove 150 is formed in the first flange 34A and two thin sealing members 98 separate the two grooves 102, 150. Thus, Kenichi fails to teach a channel between first flange 34A and lid 26. Consequently, the combination of references wholly fails to disclose or suggest “*a channel for vacuuming is formed by: an inner surface of the flange holder, a lower surface of the first flange, an upper surface of the second flange, an outer surface of the inner lid part from the second flange to the upper-end surface, and an outer surface of the opening part from the lower-end surface to the first flange*”. Thus, claim 4 further patentably distinguishes thereover. In view of the foregoing, Applicants courteously solicit withdrawal and reconsideration of the rejection as to claim 4.

II. Claim 8 stands rejected as being unpatentable over Okase (US 5,329,095) in view of Shimazu et al. (US 6,283,175) in view of Shimazu et al. (US 6,030,457). The rejection as to claim 8 is respectfully traversed.

The Office Action at Page 8 admits that Okase and Shimazu ‘175 do not disclose “a gas-discharging hole for vacuuming a space defined by the lower-end surface of the boss part”. The Office Action relies on FIG. 2 of Shimazu ‘457 for providing “a gas-discharging hole for vacuuming a space defined by the lower end surface of the boss (not labeled) of the flange” and purports that it would have been obvious to combine prior art elements to yield predictable results in order to prevent the emanation of gases from the o-ring 5a from leaking into the processing chamber; (Applicants’ observation “not labeled” added).

An objective study of Shimazu '457 as illustrated in FIG. 2 when combined with modified Okase fails to suggest to one of ordinary skill in the art that a vacuuming space is between, or rather, defined by, a lower end surface of the boss part, an upper surface of the flange and double o-rings (third and fourth o-rings). Applicants therefore assert that the Examiner may be utilizing impermissible hindsight in view of the Office Action's combination of Okase, Shimazu '175 and Shimazu '457.

In support, one of Applicants' exemplary objectives is to vacuum a space between the double o-rings , boss part and flange such that the out gas that flows inward from the outer o-ring can be easily discharged. See Page. 2, para. 21 of Applicants' Publication US 2007/0075086. Because the motivation to combine was derived from Applicants' invention, claim 8 would not have been rendered *prima facie* obvious to one of ordinary skill in the art. As such, claim 8 patentably distinguishes thereover. Accordingly, Applicants respectfully seek withdrawal and reconsideration of the rejection as to claim 8.

CONCLUSION

All of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Therefore it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-4300, Attorney Docket No. 033082 M 320.

Respectfully submitted,
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